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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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HARDSHAD P. DESAI,

Plaintiff,

v.

GARFIELD COUNTY GOVERNMENT,  
JOSEPH THOMPSON, KADE FULMER,  
LELAND POLLOCK, DAVID B. TEBB,  
JERRY TAYLOR, UTAH STATE TAX  
COMMISSION, DANNY LYTLE, GERALD  
OSBORNE, BENJAMIN HULET, JOHN  
VALENTINE, MICHAEL CRAGUN,  
ROBERT PERO, REBECCA ROCKWELL,  
and BARRY CONOVER,

Defendants.

**MEMORANDUM DECISION AND  
ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 2:17-cv-01164-DN-EJF

District Judge David Nuffer

The Report and Recommendation<sup>1</sup> issued by United States Magistrate Judge Evelyn J. Furse on January 10, 2019, recommends that Plaintiff's claims against Defendants Danny Lytle, Gerald Osborne, Benjamin Hulet, John Valentine, Michael Cragun, Robert Pero, Rebecca Rockwell, Barry Conover, Joseph Thompson, and Kade Fulmer be dismissed without prejudice for Plaintiff's failure to serve process.

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of its service pursuant to [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#).<sup>2</sup> On January 18, 2019, Plaintiff filed three documents: "Motion to Schedule Hearing to

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<sup>1</sup> Report and Recommendation to Dismiss Individual Defendants ("Report and Recommendation"), [docket no. 59](#), filed Jan. 10, 2019.

<sup>2</sup> *Id.* at 6.

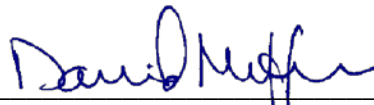
Clear confusion of amendment 11 (Defendant's Claim);"<sup>3</sup> "Motion to Schedule Hearing to Clear Confusion of Relief Claimed;"<sup>4</sup> and "Motion to Schedule Hearing to Clear confusion of Court Jurisdictions (State v. Federal District Court)."<sup>5</sup> Nothing in the content of these documents can be construed as objecting to the Report and Recommendation's findings, analysis, or conclusion. No other filings were made within the 14-day objection period. Therefore, the analysis and conclusion of the Magistrate Judge are accepted and the Report and Recommendation<sup>6</sup> is ADOPTED in its entirety.

### ORDER

IT IS HEREBY ORDERED that the Report and Recommendation<sup>7</sup> is ADOPTED. Plaintiff's claims against Defendants Danny Lytle, Gerald Osborne, Benjamin Hulet, John Valentine, Michael Cragun, Robert Pero, Rebecca Rockwell, Barry Conover, Joseph Thompson, and Kade Fulmer are DISMISSED without prejudice for Plaintiff's failure to serve process.

Signed January 29, 2019.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

District Judge David Nuffer

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<sup>3</sup> [Docket no. 62](#), filed Jan. 18, 2019.

<sup>4</sup> [Docket no. 63](#), filed Jan. 18, 2019.

<sup>5</sup> [Docket no. 64](#), filed Jan. 18, 2019.

<sup>6</sup> [Docket no. 59](#), filed Jan. 10, 2019.

<sup>7</sup> *Id.*